

**UNITED STATES DISTRICT COURT**

## DISTRICT OF NEVADA

Kyle Thomas Ransom,

Plaintiff

V.

Hartford Insurance Co. of the Midwest,

## Defendant

2:17-cv-02257-JAD-GWF

## Order Remanding Case to State Court

[ECF No. 11]

On September 19, 2017, plaintiff Kyle Thomas Ransom moved to remand this insurance-  
age dispute back to state court because the case value does not meet the \$75,000  
ctional threshold.<sup>1</sup> Hartford Insurance's deadline to oppose the motion to remand was  
er 3, 2017; it filed no opposition and has not sought to extend the deadline to do so. Local  
-2(d) states that "The failure of a moving party to file points and authorities in response to  
otion . . . constitutes a consent to the granting of the motion." And the defendant always  
e burden of establishing that removal is proper.<sup>2</sup> I construe Hartford's failure to oppose the  
n to remand as its acknowledgment that jurisdiction is lacking, and I GRANT the Motion to  
nd.

Accordingly, IT IS HEREBY ORDERED that the Motion to Remand [ECF No. 11] is GRANTED. This case is remanded back to the Eighth Judicial District Court for Clark County, Nevada, Case No. A-17-758064-C, Dept. 26. The Clerk of Court is directed to VACATE as moot the 10/30/17 hearing in this case.

DATED: October 10, 2017.

U.S. District Judge Jennifer A. Dorsey

<sup>1</sup> ECF No. 11.

<sup>2</sup> *Gaus v. Miles*, 980 F.2d 564, 566 (9th Cir. 1992).